

May 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 10-0223

COLE INGRAM, father of and as Personal
Representative of the Estate of KAYLE INGRAM,
COLE INGRAM individually and as father and
next friend of CAPRI INGRAM, his minor
daughter, JACKIE INGRAM, mother of Kayle
Ingram, and MICHELLE INGRAM, stepmother of
Kayle Ingram,

Petitioners,

O R D E R

v.

THE MONTANA EIGHTEENTH JUDICIAL
DISTRICT COURT, and THE HONORABLE
JOHN BROWN, PRESIDING JUDGE,

Respondents.

A Petition for Writ of Supervisory Control has been filed herein. The petition challenges the District Court's pre-trial ruling permitting defendants in the underlying action, *Ingram v. State, et al.*, DV-07-250C, pending in the Eighteenth Judicial District, to argue appointment of liability to a settled defendant and challenges the constitutionality of § 27-1-703, MCA. Jury trial is scheduled to begin on Monday, May 17, 2010.

Supervisory control is an extraordinary remedy that we may discretionarily invoke where urgency factors exist rendering an appeal inadequate; where the issues involve purely legal questions; and where the trial court is proceeding under a mistake of law and is causing a gross injustice. *See* M. R. App. P. 14(3).

We are not persuaded that any of these criteria are satisfied in Petitioners' application. Here Petitioners' application contains factual statements that we have no

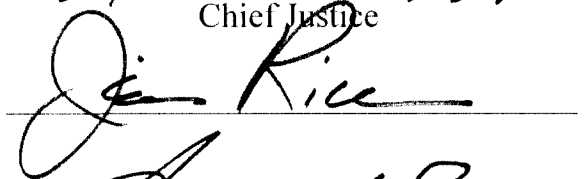
way of evaluating without the full District Court record, and petitioners have failed to demonstrate that the remedy of appeal is inadequate. Therefore,

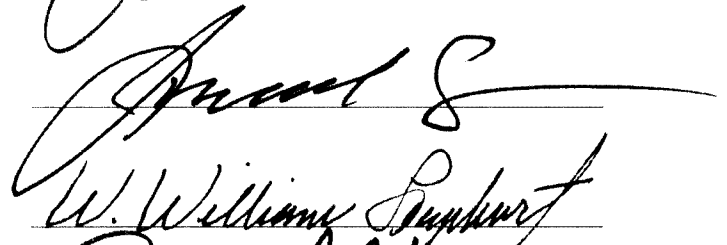
IT IS ORDERED that the Petition for Writ of Supervisory Control is DENIED without prejudice to the merits.

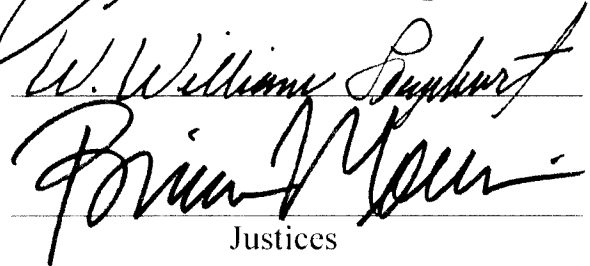
The Clerk is directed to give notice of this Order to counsel of record, to Petitioners, and to the Hon. John Brown, District Judge, Presiding.

Dated this 17th day of May, 2010.


Chief Justice


Justice


Justice


Justice